



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

**MINUTES
of
BOARD MEETING**

Held on
August 21, 2008

Meeting Location: New Bedford Whaling Museum
18 Johnny Cake Hill
New Bedford, Mass.

Prepared by: A. Fierce

[Approved: Sept. 18, 2008]

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at 1:16 p.m. The other Board members present were Kirk Franklin, Jack Guswa, Gretchen Latowsky, Robert Luhrs, Kelley Race, and Debra Stake. Gail Batchelder, Deborah Farnsworth, Christophe Henry, and Paul Mullen were absent. The LSP Board staff members present were Allan Fierce, Lynn Read, Brian Quinlan, Ron Viola, Terry Wood, and Al Wyman. Gerard Martin of MassDEP and Carl Shapiro, the current president of the LSP Association, were also present.
2. **Announcements:** Ms. Commerford welcomed Jack Guswa to his first LSP Board meeting after being appointed by the Governor as a member of the Board, replacing Debbie Phillips. Mr. Guswa was officially sworn in as a Board member on August 15, 2008.
3. **Agenda:** The Board members agreed to follow the draft Agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on July 17, 2008. **A motion was made and seconded to approve the minutes as drafted. The motion was approved unanimously.**
5. **Reports from Quasi-Judicial Sessions:** Mr. Fierce requested and received the Board's unanimous consent to publish in the minutes of this meeting the following report from a previous quasi-judicial session of the Board.

Administrative Consent Order Re: Complaint 07C-01

At a quasi-judicial session held on June 5, 2008, two of the Complaint Review Team (“CRT”) members for Complaint 07C-01 (Ms. Race and Ms. Wood) presented the terms of a proposed agreement for discipline that, if approved, would resolve this Complaint prior to the presentation of a CRT Report or the issuance of an Order To Show Cause. During the presentation, the LSP’s name was not disclosed.

The other members of the Board who were present were as follows: Ms. Batchelder, Ms. Commerford, Ms. Farnsworth, Mr. Henry, Ms. Latowsky, Mr. Luhrs, Mr. Mullen, Ms. Phillips, and Ms. Stake. Mr. Franklin (the third CRT member) was absent. The Board’s staff was also present. No one else was present.

The CRT members said that they had not yet fully concluded their investigation or drafted a CRT report. Nevertheless, they said, they had substantially completed their investigation and had formed enough of an opinion to join with the Respondent LSP in presenting a joint, proposed agreement for discipline for the Board’s review and approval. The key terms of that agreement were that the LSP would receive a Public Censure and obtain 18 additional credits of continuing education over an 18-month period.

After answering the Board’s questions about the Complaint, their investigation, and the proposed resolution, the CRT members and Mr. Wyman, the staff investigator for this CRT, left the room. Thereupon, the Board discussed the proposed agreement for discipline.

At the conclusion of the discussion, a motion was made and seconded to accept the terms of the proposed agreement on two conditions: (1) that 12 of the 18 additional credits be earned from courses in the “Regulatory” category and the remaining 6 credits be earned from “Technical” courses, and (2) that all courses taken to earn the 18 credits be pre-approved by the CRT.

The nine Board members present approved the motion unanimously.

Thereafter, on July 23, 2008, the Respondent LSP signed an Administrative Consent Order in which he agreed to terms set forth in the Board’s vote.

Throughout this discussion, the Respondent LSP’s name was kept confidential. Now that this Complaint has been resolved, the LSP’s name, Ralph Penney, is being made public.

6. **Decisions Regarding License Applicants:** The staff presented the following Application Dockets:

Docket No. 1: The applicant's name, company name, application number, and Application Review Panel recommendation were read into the record:

		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Ronald L. Bucchino	Cyn Env't'l	#6336	213	D

Ms. Race was recused and left the room.

The Board members reviewed the draft denial letter prepared by the ARP for this applicant. **A motion was made and seconded that the Board accept the recommendation from Application Review Panel #213, i.e., that the application submitted by Mr. Bucchino be denied for the reasons set forth in the draft denial letter and that he be found ineligible to take the exam. The motion was approved unanimously.**

Ms. Race returned and rejoined the meeting.

Docket No. 2: The applicants' names, company names, application numbers, and Application Review Panel recommendations were read into the record:

		<u>App. No.</u>	<u>ARP</u>	<u>Rec.</u>
Craig R. Ellis	Env't'l Compliance Services	#6696	214	A
Sean F. Healy	Vertex Env't'l Services	#6389	214	A
John J. Niedzielski	Env't'l Compliance Services	#2028	214	A
Alexandra N. Riddle	Env't'l Compliance Services	#9857	214	A

Ms. Commerford was recused and left the room.

A motion was made and seconded that the Board accept the recommendations from Application Review Panel #214, i.e., that the applications submitted by Mr. Ellis, Mr. Healy, Mr. Niedzielski, and Ms. Riddle be accepted and that they be found eligible to take the exam. The motion was approved unanimously.

Ms. Commerford returned and rejoined the meeting.

7. **License Renewal Applications:**

A. Renewal Dockets. The staff presented the following License Renewal Dockets:

Renewal Docket #1

License Renewal

Renewal Date: July 30, 2008

Have met all requirements for renewal.

New Renewal Date: July 30, 2011

1. Beverly S. Auxford-Paiva	#9894
2. Jeffrey E. Banikowski	#5977
3. Robert H. Bird	#8972
4. Paul R. Campagna	#8211
5. Kathleen L. Campbell	#9984
6. James J. Decoulos	#9360
7. Thomas A. Duffield	#9490
8. William J. Fabbri	#9652
9. Nathaniel L. Finsness	#5156
10. A. Lee Gustafson	#9742
11. Lawrence M. Hogan	#9256
12. John P. Jemsek	#5428
13. Keith E. Johnson	#9789
14. Thomas A. Jordan	#3370
15. John R. Kastrinos	#9623
16. Janet Keating-Connolly	#4334
17. Toivo A. Lamminen, Jr.	#6846
18. Richard R. LaMothe	#8331
19. Douglas G. Larson	#8237
20. Robert Nicoloro	#4290
21. James M. Nuss	#7349
22. A. Raymond Quinn	#9994
23. Steven P. Sacco	#1592
24. William J. St. Hilaire	#1970
25. Carl Shapiro	#4018
26. Md. Farooq Siddique	#9845
27. William F. Simons	#8059
28. Hayden S. Solomon	#1976
29. Kerry R. Tull	#3656

Renewal Docket #2

Request for a 90-day Extension

Original Renewal Date: July 30, 2008

Qualify for and are requesting a 90-day extension.

Extended Renewal Date: October 28, 2008

1. Andre J. Bissonnette	#9858
2. Lisa J. Campe	#2154

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| 3. Edward M. Cobbett | #6957 |
| 4. Stephen J. Graham | #6421 |
| 5. George G. Gurney | #9778 |
| 6. Duane A. Wanty | #7960 |

Renewal Docket #3

Renewal After 90-day Extension

Have met all requirements for renewal.

Next Renewal Date: April 30, 2011

- | | |
|-------------------------|-------|
| 1. Jeffrey M. Hardin | #2367 |
| 2. Jeffrey T. Mosholder | #8978 |
| 3. Stewart A. Mountain | #1404 |

A motion was made and seconded to (a) renew to licenses of the LSPs on Renewal Dockets #1 and #3 for a three-year period ending on the dates indicated and (b) grant a 90-day extension to the LSPs on Docket #2. The motion was approved unanimously.

B. Other Renewal-related Matters. Mr. Fierce reported that no waiver requests had been received since the previous meeting, and there were no other renewal-related matters.

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. Mr. Quinlan selected and assigned Board members to Application Review Panels #215 (Mr. Guswa, Ms. Latowsky, and Ms. Stake) and #216 (Ms. Commerford, Mr. Franklin, and Mr. Luhrs).

B. Appeals Status Report. Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

C. Inactive Status Report. Mr. Fierce reported that since the previous meeting there have been no changes to the list of Inactive LSPs.

D. LSPs Whose Licenses Lapsed for Failure to Renew. Mr. Fierce reported that at the close of business on July 30, 2008, the licenses of the following LSPs expired when they failed to renew them or to obtain a 90-day extension. They each have one year to renew their licenses by obtaining the continuing education credits they need to renew and paying the Renewal Fee.

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|----------------|--------|
| Peter H. Baril | #1322 |
| Jerome J. Cura | # 6151 |
| Mark A. Haney | #9288 |

Paul C. Hunt	#4270
Richard F. Murdock	#4310
Stephen B. Ransom	#4601
Anthony R. Riccio	#7933

E. Total Number of Active and Inactive LSPs. Mr. Fierce reported that the total number of Active LSPs as of the date of this meeting was 539. In addition, 6 LSPs remain on Inactive Status.

9. Examinations:

A. New Licensees. Mr. Fierce reported that the following approved applicant passed the licensing exam administered on July 30, 2008, and is now an LSP:

<u>Name</u>	<u>Licensure Date</u>	<u>License No.</u>
James Daley	7/31/08	#7394

B. Next LSP Exam. The staff reported that the date of the next exam administration has yet to be scheduled.

C. Status Report – PC-based Administration. Mr. Fierce reported that over the previous month MassDEP's IT staff were diverted to other high priority projects. He anticipates that work will resume in September on the preparations needed for the administration and grading of the Board's exams using the PCs in MassDEP's Training Room. He said that he still hopes PC-based testing will begin this fall.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Wyman reported that the Committee had met earlier in the day and had the following course and conference recommendations to present to the full Board:

Sponsors: Harvard University and Westfield State College
Conference Title: 2008 New England Intercollegiate Geological Conference
Credits Requested: Conference credit (50% of hours attended; non-DEP Technical credits)
Committee Recommendation: **Approve.**

Sponsor: Northeast Regional Environmental Public Health Center
Conference Title: 24th Annual International Conference on Soils, Sediments, and Water
Credits Requested: Conference credit (50% of hours attended; non-DEP Technical credits). Also, 1:1 credit (non-DEP Technical credit) for each of the following conference workshops:

Workshop Name	Total Technical (non-DEP) credits	Workshop Number
In-Situ Chemical Oxidation	7	#2
Vapor Intrusion	4	#3
Environmental Fate of Hydrocarbons	3	#4
Nanotechnology and the Environment	2	#5
Environmental Forensics	3	#6
Advanced Tools for In-Situ Remediation	3	#7
In-Situ Thermal	3	#9

Committee Recommendation: **Approve these workshops for credits requested.**

Sponsor: MassDEP

Course Title: The Evolving Standard of Care: What Does It Mean Today or Tomorrow (Workshop #8 at conference listed above)

Credits Requested: 3 DEP Course / Regulatory credits

Committee Recommendation: **Approve.**

Sponsor: Northeast Waste Management Official's Association (NEWMOA)

Course Title: Vapor Intrusion in Commercial and Industrial Buildings

Credits Requested: 5 Technical credits

Committee Recommendation: **Approve.**

Sponsor: Environmental Professionals' Organization of Connecticut (EPOC)

Course Title: Connecticut Geology – Understanding the Nature & Distribution of the State's Glacial Materials

Credits Requested: 4 Technical credits

Committee Recommendation: **Approve** (with two Committee members, Janine Commerford and Debra Stake, abstaining from voting).

Sponsor: ORTs-6 International Scientific Committee

Conference Title: The 6th International Conference on Oxidation and Reduction Technologies for In-Situ Treatment of Soil and Groundwater (ORTs-6)

Credits Requested: Conference credit (50% of hours attended; non-DEP Technical credits)

Committee Recommendation: **Approve**, subject to Mr. Wyman's confirmation that all conference approval requirements have been met.

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business. The Committee had no other business to report.

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the Professional Conduct Committee meeting held earlier in the day, the Board agreed to forego a Committee report.
12. **Personnel, Budget, and Fees:** Mr. Fierce stated that there were no items of interest to report this month.
13. **Status of Board Member Replacements by Governor:** Ms. Commerford stated that now that Jack Guswa has been appointed to replace Ms. Phillips, no other nominations are pending at the Governor's office. She said that she and Mr. Fierce are now focusing their attention on finding a suitable candidate whom they can recommend to the Governor for Ms. Latowsky's slot.
14. **Other Business:** Mr. Fierce handed out his draft of the Board's FY-2009 Program Priorities document and suggested that the Board discuss the draft at the next meeting.
15. **Next Article for LSPA News:** Carl Shapiro, the LSPA president, reported that the deadline for the submission of articles for the next LSPA newsletter is September 25. The Board members suggested a few possible topics.
16. **Scheduling of Next Meeting:** The Board agreed to hold its next meeting on September 18, 2008, at a location to be determined. The following meeting will be held on October 16, 2008, at a location to be determined.
17. **Adjournment:** The meeting was adjourned at 1:35 p.m.